

Application No.: 10/549,424
Amendment Dated: March 3, 2009
Reply to Office Action of: December 15, 2008

MAT-8741US

Remarks/Arguments:

Applicant's representative respectfully disagrees with the statement set forth in the outstanding Official Action regarding the priority document. Paragraph 2 of the Official Action states:

... Applicant has not filed a certified copy of the 2004-063525 application as required by 35 U.S.C. §119(b).

The above-identified application is a National Phase of a PCT application. WIPO has previously provided acknowledgement that the priority document was received. Applicant is not required to submit a copy of the certified copy to the USPTO. The Examiner is respectfully requested to acknowledge in the next office communication that the priority documents have been received from the International Bureau.

Claims 1 and 3 were rejected on the ground of non-statutory obviousness-type double patenting. In addition, claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Funahashi (US 2003/0185415) in view of Kiyotaka (JP 08-102993) and further in view of Kuze (US 2002/0051558). Claim 4, however, was indicated as being allowable if rewritten in independent form.

Claim 1 has thus been amended to remove the language which was previously added to claim 1 and to add the language which appeared in claim 4. Claim 4 has been cancelled. Claims 2 and 3 are allowable by virtue of their dependency on allowable claim 1.

Claim 5 has been allowed.

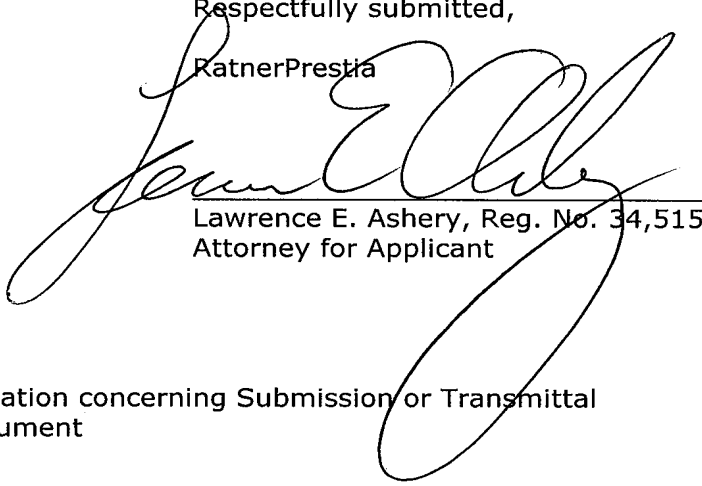
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In view of the amendments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



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LEA/so

Enclosure: Copy of Notification concerning Submission or Transmittal
of Priority Document

Dated: March 3, 2009

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